

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County, and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.-16 zone to an R.O. zone, for the reasons given in the attached statement, and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Not Applicable

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED
BALTIMORE COUNTY
MAY 2 2 47 PM '81
COUNTY CLERK
BY

Samuel H. Shriver, Jr.
NW corner Church Lane
& Bedford Avenue
3rd.
R-82-75

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Samuel H. Shriver, Jr. (Type or Print Name)
Signature	Signature
Street or Box	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	
John B. Howard (Type or Print Name)	6229 North Charles Street Street or Box
Signature	Baltimore, Maryland 21212 City and State
210 Allegheny Avenue Street or Box	Name and telephone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204 City and State	Samuel H. Shriver, Jr. Name
Attorney's Telephone No.: 823-4111	377-2400 Telephone no.

BABC-Form 1

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 16 to R-O Zone
N/S Church Lane W/S Bedford Ave.,
3rd District : C BALTIMORE COUNTY

SAMUEL H. SHRIVER, JR., : Item 16, Cycle 1
Petitioner

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I here / enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Km. 223, Court House
Towson, Maryland 21204
494-2183

I HEREBY CERTIFY that on this 25th day of August, 1981, a copy of the foregoing

Order was mailed to John B. Howard, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 to R.O.
NW corner Church Lane
and Bedford Avenue
3rd District : COUNTY BOARD OF APPEALS
: O:
Samuel H. Shriver, Jr.
Petitioner : BALTIMORE COUNTY
: No. R-82-75

OPINION

This case comes to the Board of Appeals on direct petition for a reclassification of property having D.R. 16 zoning, which is occupied at the present time as an apartment house, to the newly created R.O. zone. The subject property is located on the north side of Church Lane and the west side of Bedford Avenue, in the Third Election District of Baltimore County.

The Board heard testimony from the Petitioner that the recently enacted 1980 maps had substantially changed the location of the B.L. zone in the Pikesville commercial district across the street from this property. It was Petitioner's contention that the County Council erred in not providing an appropriate buffer zone of R.O. classification across the street from this newly created commercial area. He further described adjoining properties in the D.R. 16 zone as operating as offices under special exceptions, as parking lots for nearby shopping centers, and as new office buildings constructed within the Pikesville business district.

Donald Smith, an expert real estate appraiser, testified for the Petitioner that in a study of the areas involved there was a need for office space in the Pikesville area adjoining the commercial district, that there would be no detrimental effect on nearby property values from this better use of the buffer zone, and that the County Council in passing the 1980 maps did not consider this as an issue, but rather innocently overlooked the need for an appropriate buffer zone next to their newly created B.L. commercial district.

James Hoswell, the well recognized planner for Baltimore County, testified that the Planning Board and Director, after reviewing the petition, were in favor of the proposal in that the Pikesville Revitalization Plan, in which the County is actively participating, indicated that various road extensions and special exceptions for offices on

Samuel H. Shriver, Jr. - #R-82-75

2.

adjoining properties were in process, and further indicated that R.O. would be more appropriate zoning for this location. He further indicated that these changes had crystallized very recently and that this information, together with the fact that reclassification of this property was not an issue on the 1980 zoning maps, lends credence to the proposition by the Petitioner that the County Council overlooked the issue and in that sense erred in not foreseeing these developments.

No community opposition appeared at the hearing with the exception of the Pastor of the adjacent church, Father Martin Schwalenberg, who expressed his concern to the Board that this change in zoning perhaps could lead to further changes in zoning in this primarily residential area which would be detrimental to his church and the neighborhood. He expressed no opposition to this particular proposal.

The Board is aware that the R.O. zone has recently been created and it was first applied in the 1980 zoning map process. In conjunction with the adoption of the K. O. zone, the County Council, in Bill #167-80, prohibited office uses in D.R. 16 zones with special exceptions. This change in zoning philosophy established separate office zones, and in particular brought forward the special requirements for older neighborhoods, as in the R.O. zone requested here, for maintenance of the appearance of the outside structure so as to be compatible with the existing nearby residences, stringent requirements for parking and modification, and specific site planning approved by the Zoning Office for modifications proposed. It is exactly in situations where commercial zoning, as across the street from the subject property, was thrust into a residential area by the County Council on the 1980 maps that R.O. zoning would be most appropriate. This is buttressed by the strong recommendation of the Planning Board and the Planning Director that this Board grant the petition.

While the Petitioner has presented a classical case to support reclassification on the basis of "change in the neighborhood" we are no longer permitted to grant reclassifications on that basis. We must find error on the map. The Board, however, believes that error is not strictly limited to showing that the present zoning is so obnoxious that the

Samuel H. Shriver, Jr. - #R-82-75

3.

present zoning is confiscatory. Clearly the facts in this case do not support any conclusion that the Council has left the owner with no reasonable use of his land. The present apartment use functions, the building is maintained, the owner receives compensation. What we have is a better idea in which all parties agree.

The Board believes that error can be found because the present zoning is confiscatory, or because the overwhelming weight of evidence indicates the County Council failed to accomplish on the comprehensive map what they clearly would have done had the issue been presented to them. The Board recognizes that many thousands of properties in Baltimore County are subject to rezoning during the comprehensive zoning cycle, but the Council cannot conceivably be expected to review each property as to every possible zoning classification. As a practical matter the several hundred zoning issues brought before the Council in these reviews are all that can be handled. In the instant case the Council clearly indicated their support of the Pikesville Revitalization Plan by financing it and by thrusting B.L. fully into this neighborhood as the planners requested in the 1980 maps. They failed, however, to provide suitable buffer zones, now that offices are no longer permitted in D.R. 16 zones, which normally are provided between B.L. and lower density residential neighborhoods. The Board has no doubt that had the issue been presented and the Planning Board recommended its passage, as in the instant case, the Council would have completed its job and granted the request. The Council's error was of not foreseeing every problem caused by their supporting revitalization in Pikesville. This error the Board feels it has the power to correct and, therefore, will grant the requested petition.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 1st day of December, 1981, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED.

Samuel H. Shriver, Jr. - #R-82-75

4.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John V. Murphy, Acting Chairman

John A. Miller

LeRoy B. Spurrier

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 29, 1981

COUNTY OFFICE (Room 210)
210 Allegheny Avenue
P.O. Box 9517
TOWSON, Maryland 21204

Nicholas R. Conrad
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

John B. Howard, Esquire
210 Allegheny Avenue
P.O. Box 9517
TOWSON, Maryland 21204

RE: Item No. 16 (Cycle 1 - April-October, 1981)
Petitioner - Samuel Shriver, Jr.
Reclassification Petition

Dear Mr. Howard:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the 1st 1980-84 zoning cycle.

The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee.

The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before May 29th. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

The subject property is improved with an existing dwelling located on the northwest corner of Church Lane and Bedford Avenue in the 3rd Election District. It is presently zoned D.R. 16, and it is your client's proposal to rezone this property to R.O. Adjacent properties to the west and north are also zoned D.R. 16 and are improved with dwellings and office use (Case No. 80-4-X), respectively, while offices and a church exist to the east and south.

Item No. 16, Cycle No. 1
Samuel Shriver, Jr.
Reclassification Petition

Particular attention should be afforded to the comments of the Department of Permits and Licenses.

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between September and December of 1981, will be forwarded to you in the future.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:coh

Enclosures

cc: Gerhold, Cross and Etzel
412 Delaware Avenue
Towson, Maryland 21204

File



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 2, 1981

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Court House
Towson, Maryland 21204

Re: Item #16 (Cycle 1 - April-October 1981)
Property Owner: Samuel H. Shriver, Jr.
N/S Church Lane W/S Bedford Avenue
Existing Zoning: D.R. 16
Proposed Zoning: R-0
Acres: 0.28 District: 3rd

Dear Mr. Reiter:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This property comprises parts of Lots 15 and 16 of the plat "Plans of D. W. Dwyer", recorded J.W.S. 2, Folio 94.

Resubdivision of property within Baltimore County is subject to Baltimore County Subdivision Regulations.

Highways:

Bedford Avenue and Church Lane, existing public roads, are proposed to be improved in the future as 36 and 40-foot closed section roadways on 50 and 60-foot rights-of-way, respectively; with fillet areas for sight distance at their intersection.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item #16 (Cycle 1 - April-October 1981)
Property Owner: Samuel H. Shriver, Jr.
Page 2
April 2, 1981

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There is an 8-inch public water main and 8-inch public sanitary sewerage in Church Lane.

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

PAM:EAM:FWR:sc

cc: Jack Winkley

1-S&E Key Sheet
29 NW 21 Pos. Sheet
NW 8 P Topo
7c Tax Map



Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

March 30, 1981

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Office of Law
Courthouse
Towson, Maryland 21204

Item No. 16 - ZAC meeting of March 16, 1981
Property Owner: Samuel H. Shriver, Jr.
Location: N/S Church Lane W/S Bedford Avenue
Existing Zoning: D.R. 16
Proposed Zoning: R-0
Acres: 0.28 acres
District: 3rd

Dear Mr. Reiter:

The proposed zoning change is not expected to be a major traffic generator.

Sidewalks should be provided along Bedford Avenue.

Very truly yours,

Michael S. Flanigan
Engineer Associate II

MSF/bza



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

April 6, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Cycle 1, #16, Zoning Advisory Committee Meeting of March 16, 1981, are as follows:

Property Owner: Samuel H. Shriver, Jr.
Location: N/S Church Lane W/S Bedford Avenue
Existing Zoning: D.R. 16
Proposed Zoning: R-0
Acres: 0.28
District: 3rd

Metropolitan water and sewer exist.

The zoning plan as submitted, does not contain sufficient information; therefore, the Baltimore County Department of Health cannot make complete comments.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/als



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

March 19, 1981

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Samuel H. Shriver, Jr.

Location: N/S Church Lane W/S Bedford Avenue

Item No.: 16 Zoning Agenda: Meeting of March 16, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Walter Reiter
Chairman of Appeals
Mr. Charles E. Burnham
FROM: Mr. Robert A. Morton, P.E., Chief
Bureau of Public Services
SUBJECT: Item #16

Re: Cycle Zoning March 24, 1981

PROPERTY OWNER: Samuel H. Shriver, Jr.
LOCATION: N/S Church Lane W/S Bedford Avenue
EXISTING ZONING: D.R. 16
PROPOSED ZONING: R-0
ACRES: 0.28
DISTRICT: 3rd
ITEM NO. 16

It appears a change of occupancy as well as an alteration permit to upgrade the existing building to the Building Code requirements for the proposed new use will be required.

It can only be assumed any existing structures can comply with the height and area requirements of Table 305 for the proposed use.

NOTE: All comments are based on data provided on site plans and data provided by the Zoning Advisory Committee. Comments in many cases cannot be more specific or advisory due to the listed information.

[Signature]
Charles E. Burnham
Plans Review Chief

CEB:rrj

cc: Nick Commodari

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 23, 1981

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Cycle #1 March 16, 1981

RE: Item No: 16
Property Owner: Samuel H. Shriver, Jr.
Location: N/S Church Lane W/S Bedford Avenue
Present Zoning: D.R. 16
Proposed Zoning: R-0

School Situation

School	Enrollment	Capacity	Over/Under
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Comment: Acreage too small to have an effect on student population.

Student Yield With:

Existing Zoning	And	Proposed Zoning
-----------------	-----	-----------------

Elementary

Junior High

Senior High

Very truly yours,

Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 1, 1981

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Md. 21202

Re: Case No. R-82-75
Samuel H. Shriver, Jr.

Dear Mr. Howard:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Samuel H. Shriver, Jr.
Rev. Martin Schwalenberg
John W. Hessian, III, Esquire
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Gerber
Mr. J. G. Hoswell
Board of Education

IN THE MATTER OF THE PETITION FOR
ZONING RECLASSIFICATION FROM D.R.-16
TO R.O. OF PROPERTY OWNED BY SAMUEL
H. SHRIVER, JR. AND SITUATE AT THE
NORTHWEST CORNER OF CHURCH LANE AND
BEDFORD AVENUE, PIKESVILLE, THIRD
ELECTION DISTRICT OF BALTIMORE
COUNTY

* BEFORE THE COUNTY
* BOARD OF APPEALS OF
* BALTIMORE COUNTY
*

MEMORANDUM IN SUPPORT OF PETITION FOR RECLASSIFICATION

The subject property, consisting of .28 of an acre and improved by a residential dwelling structure is presently utilized for apartment purposes. To the north of the subject property, and on the same side (west) to the intersection of Bedford Avenue and McHenry Street, are office uses and parking.

Commercial zoning and commercial uses have existed on many properties for a number of years from Bedford Avenue to Reisterstown Road on the east. Of significance, however, is the fact that several properties on the east side of Bedford Avenue, opposite the subject property, had retained the D.R.-16 zoning classification prior to the adoption of the 1980 Comprehensive Zoning Map.

As a result of studies undertaken by a concerned group of Pikesville residents and Baltimore County, a Pikesville Revitalization Growth Plan was developed to guide the future commercial and residential growth of the area. This Plan received the approval of the Baltimore County Planning Department with the

intent that it be implemented as part of the 1980 Comprehensive Map process. One of the recommendations of the Plan was the imposition of B.L. zoning on the properties to the east of the Petitioner's; and the County Council approved this recommendation upon the adoption of the Map resulting in all properties to the east of Bedford Avenue being encompassed within the B.L. category.

It is respectfully submitted that the County Council committed error in not taking into consideration a transitional type of zone for the west side of Bedford Avenue. Had proper attention and consideration been given to those properties, it should have been apparent that a Density Residential zone was totally inappropriate on the opposite side of a small street from a greatly expanded commercial district. Moreover, by abolishing the office special exception from the D.R.-16 zone, the Council knew, or should have known, that the existing office uses on the east side of Bedford Avenue would be relegated to non-conforming status.

Sound planning and zoning principles dictate that there be a transition band between the commercial zoning and residential zoning to the east; and considering the office uses on the east side of Bedford Avenue, the new R-O classification would have been the appropriate device. In this manner, the existing office uses would not have been invalidated and the subject property, which no longer is suitable for residential use by virtue of the expansion of commercial across the street, could easily be converted to an appropriate use.

For the above reasons, it is respectfully requested that the subject property be reclassified to R-O.

Respectfully submitted,
John B. Howard
John B. Howard
Attorney for Petitioner

- 2 -

- 3 -

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

March 2, 1981

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. C. TRACY, JR.
JOHN W. ZINK, III
JOSEPH E. WICK, JR.
HENRY B. RECK, JR.
WILLIAM H. HUDSON, III
THOMAS W. EARLY
FRANK A. LAFACE, JR.
C. CAREY DEELEY, JR.

HAND DELIVERED

Baltimore County Board of Appeals
Room 219 Court House
Towson, Maryland 21204

Re: Samuel H. Shriver, Jr.
Property Northwest corner of
Church Lane and Bedford Avenue,
Pikesville, Third Election District
of Baltimore County

Dear Lady and Gentlemen:

Enclosed please find the following:

1. Three completed typewritten petition forms signed by the Petitioner and myself as counsel.
2. Seven copies of the Engineer's property description.
3. Three copies of a Memorandum in Support of the Reclassification.
4. Two each of the official 1" = 200' and 1" = 1,000' scale zoning maps with the property outlines.
5. Twelve copies of a site plan with appropriate information.

You will also find enclosed my check in the amount of \$50.00 in payment of the filing fee.

Thank you for your assistance.

Kind regards.

Sincerely,
John B. Howard
John B. Howard

JBH:ecd
Enclosures
cc: Mr. Samuel H. Shriver
(with enclosures)

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

April 21, 1981

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. C. TRACY, JR.
JOHN W. ZINK, III
JOSEPH E. WICK, JR.
HENRY B. RECK, JR.
WILLIAM H. HUDSON, III
THOMAS W. EARLY
FRANK A. LAFACE, JR.
C. CAREY DEELEY, JR.

HAND DELIVERED

Nicholas B. Commodari
Zoning Plans Advisory Committee
111 West Chesapeake Avenue
County Office Building
Towson, Maryland 21204

Re: In the Matter of the Petition for
Zoning Reclassification from D.R.-16
to R.O. of Property Owned by Samuel
H. Shriver, Jr. and Situate at the
Northwest Corner of Church Lane and
Bedford Avenue, Pikesville, Third
Election District of Baltimore
County

Dear Nick:

Pursuant to our discussions, I hand-deliver herewith four copies of the revised page 2 of the Memorandum in Support of the Reclassification Petition in the above matter.

It would be most appreciated if you would simply insert these new pages in lieu of the copies of page 2 previously filed.

Thank you for your assistance.

Very truly yours,

John B. Howard
John B. Howard

JBH:ecd
Enclosures
cc: Mr. Samuel H. Shriver, Jr.
(with enclosure)

intent that it be implemented as part of the 1980 Comprehensive Map process. One of the recommendations of the Plan was the imposition of B.L. zoning on the properties to the east of the Petitioner's; and the County Council approved this recommendation upon the adoption of the Map resulting in all properties to the east of Bedford Avenue being encompassed within the B.L. category.

It is respectfully submitted that the County Council committed error in not taking into consideration a transitional type of zone for the west side of Bedford Avenue. Had proper attention and consideration been given to those properties, it should have been apparent that a Density Residential zone was totally inappropriate on the opposite side of a small street from a greatly expanded commercial district. Moreover, by abolishing the office special exception from the D.R.-16 zone, the Council knew, or should have known, that the existing office uses on the east side of Bedford Avenue would be relegated to non-conforming status.

Sound planning and zoning principles dictate that there be a transition band between the commercial zoning and residential zoning to the east; and considering the office uses on the east side of Bedford Avenue, the new R-O classification would have been the appropriate device. In this manner, the existing office uses would not have been invalidated and the subject property, which no longer is suitable for residential use by virtue of the expansion of commercial across the street, could easily be converted to office use.

- 2 -

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

October 7, 1981

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. C. TRACY, JR.
JOHN W. ZINK, III
JOSEPH E. WICK, JR.
HENRY B. RECK, JR.
WILLIAM H. HUDSON, III
THOMAS W. EARLY
FRANK A. LAFACE, JR.
C. CAREY DEELEY, JR.

Ms. Karen Riegel
Baltimore County Zoning Office
Room 113
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Samuel Shriver, et al
Reclassification Petition
Case No. R82-75

Dear Ms. Riegel:

Enclosed please find this firm's check in the amount of \$50 payable to Baltimore County to cover the cost of filing the reclassification petition. It is also understood that you will void the check we sent you in the same amount on March 2, 1981.

Very truly yours,
John B. Howard
John B. Howard

JBH:ecd
Enclosure

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
210 ALLEGHENY AVENUE
P. O. BOX 5517
TOWSON, MARYLAND 21204

August 25, 1981

JAMES D. C. DOWNES
(1906-1979)
823-4111
AREA CODE 301

Mrs. Edith Eisenhart
Baltimore County Board of Appeals
Room 219 Court House
Towson, Maryland 21204

Re: Item No. 16 - Cycle No. 1
Petitioner - Samuel Shriver, et al
Reclassification Petition

Dear Mrs. Eisenhart:

This will confirm that we are not requesting a continuance and will be prepared to proceed on the assigned hearing date of Thursday, November 5, 1981 at 10:00 a.m.

Kind regards.

Sincerely,

John B. Howard
John B. Howard

JBH:ecd
cc: Mr. Samuel H. Shriver, Jr.

intent that it be implemented as part of the 1980 Comprehensive Map process. One of the recommendations of the Plan was the imposition of B.L. zoning on the properties to the east of the Petitioner's; and the County Council approved this recommendation upon the adoption of the Map resulting in all properties to the east of Bedford Avenue being encompassed within the B.L. category.

It is respectfully submitted that the County Council committed error in not taking into consideration a transitional type of zone for the west side of Bedford Avenue. Had proper attention and consideration been given to those properties, it should have been apparent that a Density Residential zone was totally inappropriate on the opposite side of a small street from a greatly expanded commercial district. Moreover, by abolishing the office special exception from the D.R.-16 zone, the Council knew, or should have known, that the existing office uses on the east side of Bedford Avenue would be relegated to non-conforming status.

Sound planning and zoning principles dictate that there be a transition band between the commercial zoning and residential zoning to the east; and considering the office uses on the east side of Bedford Avenue, the new R-0 classification would have been the appropriate device. In this manner, the existing office uses would not have been invalidated and the subject property, which no longer is suitable for residential use by virtue of the expansion of commercial across the street, could easily be converted to an appropriate use.

- 2 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 30, 1981

John B. Howard, Esquire
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204

Re: Item No. 16 - Cycle No. 1
Petitioner - Samuel Shriver, et al
Reclassification Petition

Dear Mr. Howard:

This is to advise you that \$77.15 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:mch

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 27, 1981

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Re-classification
NW/corner of Church La. & Bedford Ave.
Samuel H. Shriver, Jr. - Petitioner
Case #R-82-75 Item #16

Dear Mr. Howard:

This is to advise you that \$58.55 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 12, 1981

John B. Howard, Esquire
P. O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Re-classification
NW/cor. of Church La. and Bedford Ave.
Samuel H. Shriver, Jr. - Petitioner
Case #R-82-75 Item #16

Dear Mr. Howard:

This is to advise that \$51.31 is due for the 2nd full page add of the cycle 1 billing. You have already been billed for the 1st full page add as well as for the individual posting and advertising of this property. All bills must be paid before an order is issued. This is your final bill.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as soon as possible.

Very truly yours,

William E. Hammond
William E. Hammond
Zoning Commissioner

WEH:klr

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
210 ALLEGHENY AVENUE
P. O. BOX 5517
TOWSON, MARYLAND 21204

November 12, 1981

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL D. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
THOMAS W. EARLY
FRANK A. LAFALCE, JR.
C. CAREY DEELEY, JR.

JAMES D. C. DOWNES
(1906-1979)
823-4111
AREA CODE 301

Ms. Karen Riegel
Room 113
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Reclassification
NW/Corner of Church Lane and
Bedford Avenue
Samuel H. Shriver, Jr. - Petitioner
Case #R-82-75 Item #16

Dear Ms. Riegel:

Enclosed please find this firm's check in the amount of \$187.01 to cover all of the costs incurred for advertising and posting.

Kind regards.

Sincerely,

John B. Howard
John B. Howard

JBH:ecd
Enclosure
cc: Mr. Samuel H. Shriver, Jr.

PETITION FOR RE-CLASSIFICATION
3rd DISTRICT

ZONING: Petition for Re-classification
LOCATION: Northwest corner of Church Lane and Bedford Avenue
DATE & TIME: Thursday, November 5, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Present Zoning: D.R. 16
Proposed Zoning: R.O.

All that parcel of land in the Third District of Baltimore County

CARL L. GERHOLD
PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM G. WARREN
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4473

EMERITUS
PAUL B. DOLLENBERG
FRED H. DOLLENBERG

February 11, 1981

Zoning Description

All that piece or parcel of land situate, lying and being in the Third Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the corner formed by the north side of Church Lane, 33 feet wide, with the west side of Bedford Avenue, 40 feet wide and running thence and binding, on the north side of Church Lane, South 76 degrees 30 minutes West 80.66 feet, thence leaving said Lane and binding on the outlines of the land of the petitioner herein, the two following courses and distances viz: North 13 degrees 03 minutes West 150.00 feet and North 76 degrees 30 minutes East 80.66 feet to the west side of Bedford Avenue and thence binding on the west side of Bedford Avenue, South 13 degrees 30 minutes East 150.00 feet to the place of beginning.

Containing 0.28 of an Acre of land more or less.

Being the land of the petitioner herein as shown on a plat filed in the office of the Baltimore County Zoning Commissioner.

Being the property of Samuel H. Shriver, Jr., as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, November 5, 1981 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. JACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE MATTER OF THE PETITION FOR ZONING RECLASSIFICATION FROM D.R.-16 TO R.O. OF PROPERTY OWNED BY SAMUEL H. SHRIVER, JR. AND SITUATE AT THE NORTHWEST CORNER OF CHURCH LANE AND BEDFORD AVENUE, PIKESVILLE, THIRD ELECTION DISTRICT OF BALTIMORE COUNTY

* BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MEMORANDUM IN SUPPORT OF PETITION FOR RECLASSIFICATION

The subject property, consisting of .28 of an acre and improved by a residential dwelling structure is presently utilized for apartment purposes. To the north of the subject property, and on the same side (west) to the intersection of Bedford Avenue and Melleny Street, are office uses and parking.

Commercial zoning and commercial uses have existed on many properties for a number of years from Bedford Avenue to Reisterstown Road on the east. Of significance, however, is the fact that several properties on the east side of Bedford Avenue, opposite the subject property, had retained the D.R.-16 zoning classification prior to the adoption of the 1980 Comprehensive Zoning Map.

As a result of studies undertaken by a concerned group of Pikesville residents and Baltimore County, a Pikesville Revitalization Growth Plan was developed to guide the future commercial and residential growth of the area. This Plan received the approval of the Baltimore County Planning Department with the

intent that it be implemented as part of the 1980 Comprehensive Map process. One of the recommendations of the Plan was the imposition of B.L. zoning on the properties to the east of the Petitioner's; and the County Council approved this recommendation upon the adoption of the Map resulting in all properties to the east of Bedford Avenue being encompassed within the B.L. category.

It is respectfully submitted that the County Council committed error in not taking into consideration a transitional type of zone for the west side of Bedford Avenue. Had proper attention and consideration been given to those properties, it should have been apparent that a Density Residential zone was totally inappropriate on the opposite side of a small street from a greatly expanded commercial district. Moreover, by maintaining the office special exception from the D.R.-16 zone, the Council knew, or should have known, that the existing office uses on the east side of Bedford Avenue would be relegated to non-conforming status.

Sound planning and zoning principles dictate that there be a transition band between the commercial zoning and residential zoning to the east; and considering the office uses on the east side of Bedford Avenue, the new R-O classification would have been the appropriate device. In this manner, the existing office uses would not have been invalidated and the subject property, which no longer is suitable for residential use by virtue of the expansion of commercial across the street, could easily be converted to office use.

For the above reasons, it is respectfully requested that the subject property be reclassified to R-O.

Respectfully submitted,

John B. Howard
John B. Howard
Attorney for Petitioner

- 2 -

- 3 -

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 10-16-81
Posted for: RE-CLASSIFICATION
Petitioner: SAMUEL H. SHRIVER, JR.
Location of property: NW CORNER CHURCH LANE AND BEDFORD AVE.
Location of Signs: NW CORNER CHURCH LANE AND BEDFORD AVE.
Remarks: _____
Posted by: Steph in J. Hackett Date of return: 10-23-81
Number of Signs: 1

COMMUNITY Office of The Carroll County Times

Westminster, Md., October 15, 1981
THIS IS TO CERTIFY that the annexed Baltimore County, Md. (L-29945) was published for one (1) successive weeks previous to the 15th day of October 1981, in The Carroll County Times a daily

PETITION FOR RE-CLASSIFICATION
3rd DISTRICT
ZONING: Petition for Re-classification
LOCATION: Northwest corner of Church Lane and Bedford Avenue
DATE & TIME: Thursday, November 5, 1981 at 10:00 a.m.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland
The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Present Zoning: D.R. 16
Proposed Zoning: R.O.
All that parcel of land in the Third District of Baltimore County
All that piece or parcel of land situate, lying and being in the Third Election District of Baltimore County, State of Maryland and described as follows to wit:
Beginning for the same at the corner formed by the north side of Church Lane, 33 feet wide, with the west side of Bedford Avenue, 40 feet wide and running thence and bearing on the north side of Church Lane and bearing on the courses and distances viz: North 13 degrees 03 minutes West 150.00 feet and North 76 degrees 30 minutes West the west side of Bedford Avenue and thence bearing on the East 150.00 feet to the place of beginning.
Containing 0.28 of an Acre of land more or less.
Being the land of the petitioner herein as shown on a plat filed with the Zoning Department.
Hearing Date: Thursday, November 5, 1981 at 10:00 a.m.
Public Hearing: Room 218, Courthouse, Towson, Maryland
By Order of
WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 102638

DATE 11/16/81 ACCOUNT 01-662

AMOUNT \$187.01

RECEIVED John B. Howard, Esquire
FOR 1st & 2nd full page ads & Posting & Advertising of Case #R-82-75 (Shriver)

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 15, 1981
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each week for one (1) successive weeks before the 15th day of November 1981, the 15th publication appearing on the 15th day of October 1981.

S. Frank Smith
Manager

Cost of Advertisement, \$

PETITION FOR RE-CLASSIFICATION
3rd DISTRICT
ZONING: Petition for Re-classification
LOCATION: Northwest corner of Church Lane and Bedford Avenue
DATE & TIME: Thursday, November 5, 1981 at 10:00 a.m.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland
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Containing 0.28 of an Acre of land more or less.
Being the land of the petitioner herein as shown on a plat filed with the Zoning Department.
Hearing Date: Thursday, November 5, 1981 at 10:00 a.m.
Public Hearing: Room 218, Courthouse, Towson, Maryland
By Order of
WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals
of Baltimore County
Oct. 15

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 101657

DATE 10/8/81 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED Cook, Howard, Downes & Tracy
FOR Filing Fee for Case #R-82-75 (Shriver, et al)

VALIDATION OR SIGNATURE OF CASHIER



